

**Significant Pending Litigation  
Department of Transportation  
October 28, 2016**

**I. Office of the Secretary of Transportation (OST)**

**Cause of Action v. Eggleston** (D.D.C. 16-871). The plaintiff seeks to compel the production of documents from the Department and numerous other federal agencies in response to Freedom of Information Act (FOIA) requests submitted to those agencies, which relate to White House review of agency FOIA productions. The plaintiff contends that the White House, by issuing a 2009 memorandum from then-White House Counsel, Gregory Craig, has unlawfully added a layer of FOIA review and has caused impermissible delays in FOIA processing. The government has moved to dismiss the case in part.

**City of Dallas v. Delta Air Lines, Inc., et al.** (N.D. Tex. 15-2069). This is a lawsuit filed by the City of Dallas against six airlines and the Department, seeking declaratory relief regarding the City's obligation to provide gate space to Delta at Love Field Airport, and challenging two guidance letters sent by the Department's General Counsel. The district court entered a preliminary injunction in Delta's favor based solely on contractual grounds (and not FAA grant assurances), and stayed further proceedings pending Southwest's appeal of that decision to the Fifth Circuit (the Department is not a party to the appeal). The district court did not rule on the Department's motion to dismiss before staying proceedings. The Fifth Circuit held oral argument on September 26, 2016.

**Competitive Enterprise Institute, et al., v. DOT**, (D.C. Cir. 16-1128). This is a challenge to the Office of Aviation Enforcement and Proceedings' rule prohibiting the use of e-cigarettes in scheduled air transportation. The petitioners' reply brief is due on November 4, 2016, at which time the case will be fully briefed. Oral argument has not yet been scheduled.

**Indian River County, et al. v. DOT** (D.D.C. 15-cv-460); **Martin County, et al. v. DOT** (D.D.C. 15-632). These are challenges to the Department's allocation of tax-free Private Activity Bond authority to the All Aboard Florida passenger rail project. In August 2016, the court dismissed plaintiffs' claims challenging the project's eligibility for an allocation, but held that plaintiffs stated claims under the National Environmental Policy Act and related statutes. The plaintiffs have now moved for summary judgment on those claims.

**Juliana, et al. v. United States** (D. Or. 15-1517). The plaintiffs filed a lawsuit alleging that increases in carbon dioxide levels have led to a number of effects that negatively impact plaintiffs. The complaint lists numerous federal agencies, including the Department and the Department of Energy. On September 13, 2016, the court heard oral arguments on the magistrate judge's recommendation to deny the United States' and intervenors' motions to dismiss.

**Kerpen, et al. v. DOT, et al.** (D.D.C. 16-1401) (E.D. Va. 16-cv-1307). The plaintiffs filed a class action lawsuit against the Metropolitan Washington Airports Authority (MWAA) and the

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

Department challenging the use of Dulles Toll Road revenue to subsidize the construction of the Dulles Corridor Metrorail Project. The plaintiffs filed suit in the District of Columbia, but the court granted MWAA's motion to transfer to the Eastern District of Virginia on the ground that Virginia has a greater interest in this dispute. A status conference is set for November 18, 2016.

**Love Terminal Partners, et al. v. United States** (Fed. Cir. 16-2276). The plaintiffs allege that federal legislation limiting the number of passenger gates and air carrier services at Dallas Love Field Airport amounted to a "Taking" of the plaintiffs' property. The Court of Federal Claims determined that the federal government effected a per se taking of plaintiffs' six passenger gates and a regulatory taking of plaintiffs' leasehold. The court awarded plaintiffs compensation in the amount of \$133,500,000 plus interest. The United States appealed, and the opening brief is due on November 2, 2016. The response brief is due on January 17, 2017.

**Martin v. United States** (Fed. Cl. 13-834). This case is a collective action filed by current and former federal government employees against the Department and numerous other agencies alleging violations of the Federal Fair Labor Standards Act in connection with the partial government shutdown in October 2013. The parties completed briefing on liquidated damages in the beginning of July 2016 and are awaiting a date for oral argument.

**National Wildlife Federation v. Secretary** (E.D. Mich. 15-13535). This is an action alleging that the Secretary has failed to review and approve oil spill response plans for segments of pipelines crossing inland navigable waters, and that PHMSA's approval of those plans did not satisfy the Secretary's legal duty. The parties are briefing cross-motions for summary judgment. A hearing is scheduled for December 8, 2016.

**Orion Ins. Grp. v. Wash. State Office of Minority & Women's Business Enterprises, et al.** (W.D. Wash. 16-5582). The plaintiff challenges a decision by the Departmental Office of Civil Rights (DOCR) to uphold a decision by the Washington State Office of Minority & Women's Business Enterprises to deny it certification as a Disadvantaged Business Enterprise. In addition to challenging the DOCR decision under the Administrative Procedure Act, the plaintiffs have also alleged discrimination under the U.S. Constitution and the Washington state constitution and various state statutes. The federal defendants filed a motion to dismiss on October 11, 2016. The plaintiffs' response brief is currently due on October 31, 2016, and the federal defendants' reply brief is due on November 4, 2016.

**Southwest Airlines Co. v. DOT** (D.C. Cir. No. 15-1036). This is a petition for review of a December 2014 guidance letter that the Department's General Counsel sent to the City of Dallas regarding its obligations, under FAA grant assurances, to accommodate air carriers wishing to serve Love Field Airport. The court dismissed the petition on August 9, 2016, holding that the letter was not a final agency action. Southwest has moved to modify that decision to specify that

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

the dismissal is without prejudice to its ability to file a new challenge in certain circumstances (the Department opposes that motion).

**Southwest Airlines Co. v. DOT** (D.C. Cir. No. 15-1276). This is a petition for review of a follow-up guidance letter that the Department's General Counsel sent to the City of Dallas in June 2015. The case was stayed pending the resolution of No. 15-1036, listed above. Southwest and the Department have now both filed motions to dismiss, and differ only as to whether the dismissal should be without prejudice to Southwest's ability to file a new challenge in certain circumstances.

**Tiare Enterprises, Inc. v. DOT** (D.D.C. 15-1553). An airport concessionaire formerly certified as an Airport Concessionaire Disadvantaged Business Enterprise is appealing a decision by the Departmental Office of Civil Rights to uphold the Hawaii Department of Transportation's decision to decertify it. The government filed a motion to dismiss and for summary judgment. The plaintiff filed a motion for partial summary judgment. Both motions have been fully briefed and are pending a decision from the court.

**II. Federal Aviation Administration (FAA)**

**AVCO Corporation v. Sikkelee** (No. 16-323). The petitioner, an aircraft engine manufacturer, seeks certiorari review of the Third Circuit's decision in this case, which posed the question of the extent to which federal law preempts state law tort claims for aircraft design defects. The case arose out of a fatal aircraft accident that was allegedly caused by a defective aircraft carburetor. DOT filed an amicus brief at the request of the court outlining its views on the preemptive effect of FAA's type certification process. The Third Circuit held that the Federal Aviation Act, and the related body of FAA regulations for aircraft approval and certification, do not preempt the field of aviation safety, and instead, only preempt state law standards of care relating to in-air flight operations. Further briefing on certiorari will continue in the coming weeks. The Supreme Court has not yet requested the views of the United States, as of this date.

**BRRAM, Inc. v. FAA** (3rd Cir. 15-2393). The petitioners are a group of individuals seeking review of a district court decision that dismissed their complaint, which claimed that the FAA failed to prepare an Environmental Impact Statement in connection with the FAA's approval of an operations specification amendment that permitted Frontier Airlines to begin operating at Trenton-Mercer Airport. The case is fully briefed and is pending for decision.

**Cargo Airline Association v. FAA** (D.C. Cir. 16-1148). This is a petition for review of an FAA Airworthiness Directive (AD) requiring the modification of the fuel quantity indication system wiring in certain Boeing 757 aircraft to prevent an unsafe fuel tank ignition. The petitioner maintains that the FAA used outdated and insufficient data and raises other challenges to the

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

legal sufficiency of the AD. The government's response brief is due November 21, 2016. Oral argument has not yet been scheduled.

**Electronic Privacy Information Center v. DOT** (D.C. Cir. 16-1297); **Taylor v. FAA** (D.C. Cir. 16-1302). These consolidated cases are challenges to the FAA's final rule on small Unmanned Aircraft Systems (UAS). Initial pleadings have been filed and a briefing schedule has not yet been set by the court.

**Flyers Rights v. FAA** (D.C. Cir. 16-1101). The petitioner seeks review of FAA's denial of a request for a rulemaking to mandate a minimum seat width and pitch for commercial airlines. FAA filed its principal brief on September 30, 2016, and Flyers Rights filed its reply brief on October 28, 2016. Oral argument has not yet been scheduled.

**Flytenow, Inc. v. FAA** (No. 16-14). The petitioner in this case seeks certiorari review of the D.C. Circuit's decision, which upheld the FAA's determination that pilots who post information on petitioner's website about upcoming flights to attract passengers willing to pay a pro rata share of the pilots' operating expenses are engaged in common carriage and, consequently, required to obtain a Part 119 certificate. The government's opposition to certiorari review is due November 14, 2016.

**Friends of the East Hampton Airport, Inc., et al. v. FAA** (E.D.N.Y. 15-2246). A group of airport users and helicopter operators sued the FAA claiming that the agency has abrogated its statutory obligation to enforce Airport Improvement Program grant assurances and the Airport Noise and Capacity Act against the Town of East Hampton as the sponsor of the East Hampton Airport. This case is stayed pending the cross-appeal of the district court's decision in a related case brought by the plaintiffs in this case against the Town of East Hampton.

**Taylor v. Huerta** (D.C. Cir. 15-1495). The petitioner is an individual challenging the FAA's UAS registration requirement. The case is fully briefed and will likely be argued in the D.C. Circuit in the coming months.

**UAS America Fund, LLC v. FAA** (D.C. Cir. 14-1156); **Academy of Model Aeronautics v. FAA** (D.C. Cir. 14-1158). The petitioners in these consolidated cases are challenging the FAA's interpretive rule on model aircraft. The case is stayed pending the FAA's consideration of comments received in response to the interpretive rule.

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

**III. Federal Highways Administration (FHWA)**

**Detroit International Bridge Co. v. Government of Canada** (D.C. Cir. No. 16-5270). The plaintiff in this lawsuit owns the Ambassador Bridge, currently the only bridge crossing between Detroit and Canada, and is challenging the government's approval of a second bridge in the same area that would vastly diminish the toll revenue of the Ambassador Bridge. The plaintiff raised numerous legal arguments, including APA violations, unconstitutional delegation of authority, a violation of a statutory franchise granted to the Ambassador Bridge, and violation of the Equal Protection Clause by favoring government market participants over private market participants. The district court ruled for the government on all claims, and the plaintiff on September 22, 2016, appealed to the D.C. Circuit, raising for appellate review the vast majority of the arguments the district court rejected. A briefing schedule has not yet been set.

**IV. Federal Motor Carrier Safety Administration (FMCSA)**

**Arellano v. United States** (W.D. Tex. 16-601). The plaintiff, who was involved in a car accident with an FMCSA safety inspector, is suing FMCSA for damages in connection with the accident under the Federal Tort Claims Act.

**DND International, Inc. v. FMCSA** (7th Cir. 14-3755). The petitioner in this case is a motor carrier that successfully challenged, before an Administrative Law Judge (ALJ) and the FMCSA Associate Administrator, the basis for an Imminent Hazard Out-of-Service Order that FMCSA issued to the carrier after one of the petitioner's motor carriers was involved in a fatal accident. The carrier filed a petition for review seeking to challenge the timing of the ALJ's decision, claiming that under the relevant statute, the carrier was entitled to a decision by the ALJ on its administrative challenge of the Out-of-Service Order within 10 days of the issuance of the Order. The case is fully briefed and was argued on September 24, 2015.

**Flock v. DOT** (1st Cir. 15-2310). The plaintiffs filed a class action complaint alleging that FMCSA's disclosure of certain driver safety information under the Pre-employment Screening Program violates the Privacy Act. The District Court of Massachusetts granted the Department's motion to dismiss, and Flock appealed. This case has been fully briefed and oral argument was held on October 5, 2016. The First Circuit issued an opinion on October 21, upholding the agency's program on the merits.

**In re: Advocates for Highway and Auto Safety et al.** (D.C. Cir. 14-1183). The petitioners seek a writ of mandamus to compel the issuance of a final rule on Entry Level Driver Training Requirements and contend that the agency has unlawfully delayed in the issuance of the rule. The case has been held in abeyance based upon the agency's representation that it is moving

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

forward expeditiously toward the completion of the rule, which is now under review at the Office of Information and Regulatory Affairs.

**International Brotherhood of Teamsters v. DOT** (9th Cir. No. 16-71137). The International Brotherhood of Teamsters (IBT) filed this petition for review challenging FMCSA's decision to issue operating authority registration to qualified Mexico-domiciled motor carriers allowing them to conduct long-haul operations in the United States interior, in conformity with NAFTA obligations. IBT argues that flaws in a statutorily-mandated pilot program preclude FMCSA from issuing operating authority. The case has been fully briefed but oral argument has not yet been scheduled.

**Olivas v. United States** (S.D. Cal. 15-2882). The plaintiffs, passengers who were seriously or fatally injured in a bus accident near Big Bear Lake, California, are suing FMCSA under the Federal Tort Claims Act (FTCA). Specifically, the plaintiffs are alleging that FMCSA is liable for damages under the FTCA for negligently conducting a roadside inspection and compliance review of the bus and motor carrier involved in the accident. The parties are currently in discovery and are scheduled to complete fact discovery by the end of March 2017.

**Owner-Operator Independent Drivers Association v. FMCSA** (7th Cir. 15-3756). This is a challenge to FMCSA's rule requiring most commercial motor vehicles in interstate commerce to install electronic logging devices that automatically record driving hours. Oral argument was held on September 13, 2016.

**Owner-Operator Independent Drivers Association v. Foxx** (5th Cir. No. 16-60324). OOIDA seeks review of FMCSA's denial of its protest opposing the grant of long haul operating authority to specific Mexico-domiciled motor carriers. OOIDA argues that flaws in a statutorily-mandated pilot program preclude FMCSA from issuing operating authority. OOIDA also pursues arguments related to those presented in OOIDA v. DOT, 724 F.3d 320 (D.C. Cir. 2013), including that FMCSA cannot legally recognize Mexican commercial driver's license requirements as equivalent to U.S. requirements. OOIDA filed its opening brief on October 5, 2016. The government's response brief is due November 4, 2016.

**TransAm v. FMCSA** (D. Kan. 14-2015). The plaintiff is a motor carrier suing FMCSA in connection with a settlement agreement that resolved earlier litigation. The court granted FMCSA's motion to dismiss with respect to the plaintiff's claims under the APA and the Little Tucker Act, but denied the motion with respect to a Fifth Amendment due process claim. The government subsequently filed a motion for judgment on the pleadings, which is fully briefed and is now pending.

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

**V. Federal Railroad Administration (FRA)**

**American Petroleum Institute v. United States** (D.C. Cir. 15-1131). The petitioners in these consolidated cases are challenging the FRA/PHMSA final rule setting enhanced tank car standards and other requirements intended to make the rail transportation of crude oil safer. The only remaining issue in the case is the petitioners' challenge of the final rule's requirement regarding electronically controlled pneumatic (ECP) brakes. However, the case is currently stayed pending the Secretary's determination regarding ECP brakes pursuant to requirements under the Fixing America's Surface Transportation Act.

**American Short Line and Regional Railroad Association v. FRA** (D.C. Cir. 15-1240). This is a challenge to FRA's training rule for safety-related railroad employees. The case is being held in abeyance while the parties attempt to reach settlement.

**Association of American Railroads v. DOT** (D.C. Cir. No. 12-5204). The Association of American Railroads challenges the constitutionality of FRA and Amtrak's joint Metrics and Standards regulation that provides a tool to evaluate Amtrak's performance. On remand from the Supreme Court, the D.C. Circuit struck down the statute authorizing the Metrics and Standards as a violation of the host railroads' due process rights, holding that Amtrak, as a self-interested competitor of the railroads, cannot exercise regulatory authority. The decision also invalidated an arbitration provision of the statute as contrary to the Appointments Clause. The D.C. Circuit denied the Department's petition for rehearing en banc on September 9, 2016. A petition for writ of certiorari is due December 8, 2016.

**MBTA v. National Railroad Passenger Corporation** (D. Mass. No. 16-10120). The Massachusetts Bay Transportation Authority (MBTA) challenges the constitutionality of the Northeast Corridor Commission (NECC), established under the Passenger Rail Improvement Act of 2008, and the Commission's authority to mandate a cost sharing policy that required MBTA to pay Amtrak \$28.8 million more than previously agreed for infrastructure use and improvements. The NECC filed a motion to dismiss on August 23, 2016, which remains pending before the court.

**North Carolina DOT v. FRA** (D.C. Cir. No. 16-1352). In a consolidated case, NCDOT and the Capital Corridor Joint Powers Authority each challenge FRA's recently issued guidance titled "Guidance for Safety Oversight and Enforcement Principles for State-Sponsored Intercity Passenger Rail Operations." The guidance clarifies who FRA will coordinate with on a primary basis when evaluating safety-related regulatory requirements for intercity passenger rail operations. The Department must file the certified index to the record and any dispositive motions by November 28, 2016.

**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

**Union Pacific Railroad Company v. STB** (8th Cir. No. 16-3307). Union Pacific challenges the Surface Transportation Board's (STB) rule defining Amtrak "on-time performance" under 49 U.S.C. § 24308(f) when judging whether Amtrak has met on-time performance thresholds required by law. Several parties have intervened, including the Association of American Railroads and Amtrak. The Association of American Railroads filed a joint opening brief on October 14, 2016, on behalf of all railroad company petitioners. The response brief for STB and the United States is due November 22, 2016.

**VI. Federal Transit Administration (FTA)**

**Friends of the Capital Crescent Trail, et al. v. FTA, et al.** (D.D.C. 14-1471). This is a challenge to FTA's environmental review process in connection with possible federal funding of the Purple Line light rail project in the Maryland suburbs of Washington, D.C. In August 2016, the Court vacated FTA's Record of Decision, and remanded to the agency for preparation of a Supplemental Environmental Impact Statement focused on the recent problems of the D.C. Metrorail system. FTA (and intervenor, the State of Maryland) has moved for reconsideration and modification of aspects of that decision.

**Japanese Village, LLC v. FTA** (9th Cir. 14-56837). The petitioners are challenging a decision of the district court that largely upheld the National Environmental Policy Act analysis that FTA undertook in connection with a FTA-funded light rail project in downtown Los Angeles, California. Oral argument was held on August 1, 2016, and a decision is pending.

**VII. Pipeline and Hazardous Materials Administration (PHMSA)**

**Environmental Defense Center v. PHMSA** (C.D. Cal. 15-9433). This is a challenge to PHMSA's alleged failure to respond to a Freedom of Information Act request. PHMSA has now produced all responsive documents. The plaintiff has indicated that they may challenge PHMSA's redaction of certain materials. Summary judgment briefing is scheduled to be completed by February 2017.

**ExxonMobil Pipeline Co. v. DOT** (5th Cir. 16-60448). ExxonMobil seeks review of PHMSA's issuance of a compliance order and civil penalty for violations of various pipeline safety regulations that the agency determined to have led to a pipeline accident near Mayflower, Arkansas. The case is now fully briefed and oral argument is scheduled for October 31, 2016.

**Interstate Natural Gas Association of America v. DOT** (D.C. Cir. 15-1343). This is a petition for review of PHMSA rulemaking changes to the language of certain safety requirements for pipeline components. The case has been held in abeyance pending PHMSA's consideration of



**Significant Pending Litigation**  
**Department of Transportation**  
**October 28, 2016**

Interstate Natural Gas Association of America's (INGAA) request for certain components to be exempted.

**IQ Products Co. v. DOT** (D.C. Cir. 16-1259). This is a proceeding brought by a former business partner of the WD-40 Company challenging PHMSA's determination that WD-40 products were not in violation of regulations governing the transportation of hazardous materials. Briefing is scheduled to be completed by the end of 2016.

**Magellan Midstream Partners, L.P., et al. v. PHMSA** (D.C. Cir. 15-1077). This is a petition for review of a PHMSA rule that modified the requirements for inspections of petroleum storage tanks. The case has been held in abeyance pending the petitioner's application to PHMSA for a special permit allowing a phased-in compliance schedule.

**National Wildlife Federation v. Administrator of PHMSA** (E.D. Mich. 16-cv-11727). This is a challenge to PHMSA's approval of oil spill response plans for Enbridge's "Line 5" pipeline in the Great Lakes region. The plaintiff alleges that PHMSA failed to carry out procedures required under the National Environmental Policy Act and the Endangered Species Act, and also claims that PHMSA did not have the authority to approve the plan as it pertains to crossings of inland navigable waters. Summary judgment briefing will likely take place in late 2016 or early 2017.

**ONEOK Hydrocarbon, L.P. v. DOT** (D.C. Cir. 13-1040). This is a petition for review of PHMSA letters explaining the agency's interpretation of its pipeline safety regulations. The case has been held in abeyance pending the completion of related PHMSA enforcement actions.

**United States v. Pacific Gas & Electric Co.** (N.D. Cal. 14-cr-175). This is a criminal prosecution in which a jury convicted PG&E on August 9, 2016 on five counts of knowingly and willfully violating PHMSA's pipeline safety regulations, and of obstructing a National Transportation Safety Board investigation. PG&E has moved for a judgment of acquittal. The court has indicated it will decide that motion without holding a hearing.

**Upcoming Deadlines for the Department of Transportation  
October 28, 2016**

<b>Case</b>	<b>Operating Administration</b>	<b>Case Type</b>	<b>Task</b>	<b>Deadline</b>
<i>NWF v. Administrator</i>	PHMSA	Challenge to Spill Response Plan Actions	Opposition to Motion to Amend	Oct. 28, 2016
<i>ExxonMobil Pipeline Co. v. PHMSA</i>	PHMSA	Challenge to civil penalty order	Oral argument	Oct. 31, 2016
<i>OOIDA v. Foxx</i>	FMCSA, OST	Challenge to operating authority	Response brief	Nov. 4, 2016
<i>Orion Ins. Grp., et al. v. Wash. State Office of Minority &amp; Women's Bus. Enterprises, et al.</i>	OST	Administrative Procedure Act	Reply brief in support of motion to dismiss	Nov. 4, 2016
<i>Indian River County v. DOT; Martin County v. DOT</i>	OST	Challenge to Private Activity Bond Allocation	Opposition to Summary Judgment Motions	Nov. 7, 2016
<i>AHAS v. Foxx</i>	FMCSA, OST	Petition for writ of mandamus	Status report	Nov. 10, 2016
<i>Competitive Enterprise Institute v. DOT</i>	OST	Administrative Procedure Act	Joint appendix	Nov. 14, 2016
<i>Envtl. Defense Ctr. V. PHMSA</i>	PHMSA	FOIA	Summary Judgment Motion	Nov. 14, 2016
<i>Flytenow, Inc. v. FAA</i>	FAA	Challenge to Agency Interpretation	Response to Petition for Writ of Certiorari	Nov. 14, 2016
<i>Kerpen v. DOT</i>	OST	Class Action	Status conference	Nov. 18, 2016

**Upcoming Deadlines for the Department of Transportation  
October 28, 2016**

<i>CAA v. FAA</i>	FAA	Challenge to an Airworthiness Directive	Government's Reply Brief	Nov. 21, 2016
<i>Magellan v. PHMSA</i>	PHMSA	Challenge to Rule	Joint Abeyance Status Report	Nov. 22, 2016
<i>UPRR v. STB</i>	OST	Agency Review	Respondent's Brief	Nov. 22, 2016
<i>Competitive Enterprise Institute v. DOT</i>	OST	Administrative Procedure Act	Final briefs	Nov. 28, 2016
<i>INGAA v. PHMSA</i>	PHMSA	Challenge to Rule	Joint Abeyance Status Report	Nov. 28, 2016
<i>NCDOT v. FRA</i>	FRA	Agency Review	Motion to Dismiss	Nov. 28, 2016
<i>ONEOK v. PHMSA</i>	PHMSA	Challenge to Agency Letters	Motions Governing Further Proceedings	Dec. 1, 2016
<i>American Petroleum Institute v. United States</i>	FRA/PHMSA	Administrative Procedure Act	Status report	Dec. 7, 2016
<i>IQ Products Co. v. DOT</i>	PHMSA	Challenge to Closure of Investigation	Respondents' Brief	Dec. 7, 2016
<i>AAR v. DOT</i>	OST, FRA	Constitutional Challenge	Cert. Petition	Dec. 8, 2016
<i>NWF v. Secretary; NWF v. Administrator</i>	OST/PHMSA	Challenge to Spill Response Plan Actions	Oral Argument	Dec. 8, 2016
<i>IQ Products Co. v. DOT</i>	PHMSA	Challenge to Closure of Investigation	Deferred Joint Appendix	Dec. 28, 2016

**Upcoming Deadlines for the Department of Transportation  
October 28, 2016**

<i>IQ Products Co. v. DOT</i>	PHMSA	Challenge to Closure of Investigation	Respondents' Final Brief	Jan. 11, 2016
<i>Benafel v. DOT</i>	PHMSA	<i>Pro Se</i> Appeal	Appellees' Brief	Feb. 10, 2016
<i>Olivas v. United States</i>	FMCSA	Federal Tort Claims Act	Fact discovery	Mar. 27, 2017